

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DERRICK WHITE SR.,	:	Civil No. 1:20-CV-00021
	:	
Plaintiff,	:	
	:	
v.	:	Judge Jennifer P. Wilson
	:	
SP PLUS CORP.,	:	
	:	
Defendant.	:	Magistrate Judge William I. Arbuckle

ORDER

Before the court is the report and recommendation of United States Magistrate Judge William I. Arbuckle recommending dismissing Plaintiff Derrick White Sr.'s ("White") amended complaint with prejudice under the screening provision of 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. (Doc. 11.) Judge Arbuckle finds that dismissal of the complaint is proper because: (1) even after giving White leave to amend his original complaint, it is still not clear what claim White is alleging as required by Federal Rule of Civil Procedure 8; and (2) liberally construing the amended complaint, White fails to plead a plausible claim under the Family and Medical Leave Act. (*Id.*)

Construing White's one-paragraph filing liberally, he raises general objections to the report and recommendation asserting that: he submitted proper FMLA paperwork which Defendant has; his injury was work related; he cannot afford an attorney; that Defendant retaliated against him; and that his civil rights

were violated because he was fired while on medical leave. (Doc. 12.) White avers that this entitles him to “relief or reward for Emotional distress” for him and his family in the sum of \$95,000. (*Id.*)

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de novo determination of a magistrate’s findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report.” *Id.* at 6. Thus, when reviewing general objections to a report and recommendation, the court’s review is limited “to ascertaining whether there is ‘clear error’ or ‘manifest injustice’” on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at *1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Arbuckle’s report and recommendation and finds no clear error or manifest injustice on the face of the record. White’s arguments do not address or rectify the fact that his complaint is legally deficient. Accordingly, **IT IS ORDERED THAT:**

- 1) The report and recommendation, Doc. 12, is **ADOPTED** in its entirety;
- 2) White’s general objections, Doc. 12, are **OVERRULED**;

- 3) White's amended complaint, Doc. 9, is **DISMISSED WITH PREJUDICE**; and
- 4) The Clerk of Court is directed to close this case.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: December 8, 2020